

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated March 31, 2003. A Petition for Extension of Time (three months) and the fee are enclosed.

Claims 1-40 stand rejected on grounds of obviousness over Bains et al. (5,579,222) in view of Ginter et al. (5,892,900). Reconsideration is requested in view of the Amendments to the claims herein and the following remarks.

The license compliance verification system of claim 1 (and at the corresponding method of independent claim 17), is unique in the software licensing field in the following main respect. It is intended to allow each licensor, among many different licensors, whose product is incorporated in a large computer data center to be individually provided with a feedback or the assurance that the integrity of the local license manager has not been tampered with.

Many license managers are known that can handle the software applications of a large variety of licensors, i.e., of different software vendors. As is reflected by the prior art cited by the Examiner, it is known to have license managers that prevent tampering or defeating the license restrictions.

But no license manager is known or described in any of the two references of record which “gathers data and the usage of the licensed property... by reference to a plurality of licensors of the licensed property” (emphasis added).

Neither of the two references cited by the Examiner provides a special “monitoring software” that interfaces with the license manager and extracts from it “licensor-specific data” or which then authenticates the retrieved data “based on a set of licensor-specific rules”.

As elsewhere provided in the claims, that specific information is then routed to the various licensors, whereby they obtain a feedback, which confirms the integrity and reliability of the local license manager.

The primary Bains reference describes an active “license manager” which dynamically (and online) manages the retrieving of applications software through the logging, controlling and supervising the usage of licensed software. As described in the abstract of the Bains reference, the licensor identifies the current set of nodes that are using the software product and handles

license data concerning conditions under which usage of the software product is permitted at any given node. Thereby, "the software product may thus include instructions to interface with the license server to cause enforcement of the licensed terms."

Ginter et al. is concerned with a license manager that is capable of administrating licenses "distributed over a virtual distribution environment (VDE)". It provides an "electronic highway" for administering licenses.

Neither of these references is designed for, nor discloses any mechanism or procedure for providing assurances to licensors that the operations of the local license manager have not been tampered with to defeat its functionality. It is at least possible that a sophisticated software operator might defeat the safeguards of the license manager of the Bains reference or of the VDE system of Ginter et al. and the licensors would never know this, because the licensors never get any feedback and information from the license manager with the present invention which provides an added layer of checks that produces results that are communicated to the licensors based on the specific rules of different licensors for the purpose of verification, defeating the license manager is closer to being impossible.

Accordingly, it is submitted that claims 1 and 17 are clearly directed to patentable subject matter and so are all the remaining claims in the application, since each depends from one or the other of the independent claims and imposes further limitations thereon.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 30, 2003:

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Name of applicant, assignee or
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Signature

September 30, 2003

Date of Signature

Respectfully submitted,

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